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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,250	12/18/2001	Menno Anne Treffers	NL000741	6117

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EXAMINER

DINH, DUNG C

ART UNIT PAPER NUMBER

2153

DATE MAILED: 03/27/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,250

Applicant(s)

TREFFERS ET AL.

Examiner

Dung Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

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The USPTO is participating in a search exchange pilot program with the European Patent Office (EPO). As part of the pilot program, the USPTO has received a copy of the Search Report prepared by the EPO on the counterpart EP application for which priority under 35 U.S.C. 119(a) is claimed. The references cited in the EPO Search Report have been considered by the examiner and have been listed on the PTO-892 form. A copy of these references is not being furnished to applicant with this Office action. It will not be necessary for applicant to submit these references in an information disclosure statement.

DETAILED ACTION

Claim 16 is improper because it does not recite which claim it is dependent upon. It is assumed to be dependent upon claim 1 for the purpose of the rejection below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly

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or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 21 and 22 are rejected under 35 U.S.C. 102(a) as being anticipated by prior art data carriers (e.g. CD's and DVD's published prior to the invention).

As per claim 21 and 22, applicant admitted in the specification that the present invention works by reading disc identifier on existed data carriers (CD's and DVD's) [page 6 line 14]. Hence, the existing data carriers are capable of being read and processed by the apparatus of claim 1. Therefore, the prior art data carriers anticipated the data carrier of claim 21 and claim 22.

Claims 1-4, 7-15, 17-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Philyaw et al. US patent 6,377,986.

As per claim 1, Philyaw teaches an apparatus for reading data from a data carrier, comprising:

reading means for reading a data identifier identifying data from the data carrier [col.8 lines 42-50, col.16 lines 19-25];

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transmitting means for transmitting the identifier to a central database [ARS - col.7 lines 22-30];

receiving means for receiving from the central database address of an information database [col.7 lines 50-68];

processing means for processing the further information received from the further information database requested using the address received from the central database [col.6 lines 7-16].

As per claim 2, it is rejected under similar rationale as for claim 1 above. Philyaw teaches alternatively the central database can direct request to the further information database to provide the further information to the apparatus [col.8 lines 27-31].

As per claim 3, Philyaw teaches providing the address of the further information database [col.6 lines 7-12].

As per claim 4, Philyaw teaches the databases are server connected via the Internet [fig.3, col.4 lines 15-68].

As per claim 7, Philyaw teaches displaying further information on monitor of a computer [col.6 line 13].

As per claim 8, Philyaw teaches transmitting identifier of the apparatus and the carrier identifier [col.7 lines 30-32 source address, product code].

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As per claim 14, Philyaw teaches the data carrier being CD, DVD, etc. [col.15 lines 1-5].

As per claim 15, Philyaw teaches the address being URL of the information database [col.8 lines 15-16].

As per claim 21 and 22, Berry & Philyaw teach the data carrier being CD, DVD, etc. [Berry col.10 lines 42-40, Philyaw col.15 lines 1-5]. Hence, Berry & Philyaw teach data carrier having identifier to be read and processed by the apparatus of claim 1.

As per claim 24, Philyaw teaches requesting a fee for the association [col. 12 lines 16-20].

As per claim 9, Philyaw teaches an apparatus [ARS] for storing address data [URL] to information databases [product information] further information stored on data carriers, the apparatus comprising:

receiving means for receiving data identifier identifying a data carrier from an apparatus [col.7 lines 22-30];

transmitting means for transmitting a response message to the apparatus an address of an information database [col.6 lines 8-13].

As per claim 10, it is rejected under similar rationale as for claim 9 above. Philyaw teaches alternatively to provide the further information to the apparatus [col.8 lines 27-31].

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As per claim 11, Philyaw teaches providing the address of the further information database [col.6 lines 7-12].

As per claim 12, Philyaw teaches the databases are server connected via the Internet [fig.3, col.4 lines 15-68].

As per claim 13, Philyaw teaches collecting information about the requests [col.12 lines 1-28].

As per claim 25, Philyaw teaches the content is dependent upon whether the apparatus is registered [col.12 lines 1-10].

As per claim 17, it is rejected under similar rationale as for claim 1 above.

As per claim 18, it is rejected under similar rationale as for claim 2 above.

As per claim 19, it is rejected under similar rationale as for claim 9 above.

As per claim 20, it is rejected under similar rationale as for claim 10 above.

As per claim 23, it is apparent that an address on an information database is associated with one or more identifier (e.g. an advertiser or manufacturer with plural products).

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The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 7-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry et al. US patent 6,195,693 and further in view of Philyaw et al. US patent 6,377,986.

As per claim 1, Berry teaches an apparatus for reading data from a data carrier, comprising:

reading means for reading a data identifier identifying data from the data carrier [col.10 lines 16-26];

transmitting means for transmitting the identifier to a server [col.10 lines 27-35];

processing means for receiving further information received from the server [col.10 lines 35-42].

Berry does not specifically disclose the server being a central database that returns address of an information database storing the further information. Berry stored the further information on the apparatus or the server.

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Philyaw teaches a system for returning further information on a product by transmitting the product identification data to a central database (ARS). The central database (ARS) has table to look up address of further information about the product and return the address to the apparatus making the request [col.6 lines 5-14]. Philyaw system enables users to access information on large number of companies and associated products. Philyaw system is an improvement over the prior system that stored further information directly on the apparatus or on one server [col.1 lines 44-68]. Hence, one of ordinary skill in the art would have been motivated to combine the teaching of Philyaw to Berry because it would have improved the system by expanding the capacity of the system to provide further information.

As per claim 2, it is rejected under similar rationale as for claim 1 above. Philyaw teaches alternatively the central database can direct request to the further information database to provide the further information to the apparatus [col.8 lines 27-31].

As per claim 3, Philyaw teaches providing the address of the further information database [col.6 lines 7-12].

As per claim 4, Philyaw teaches the databases are server connected via the Internet [fig.3, col.4 lines 15-68].

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As per claim 7, Philyaw teaches displaying further information on monitor of a computer [col.6 line 13].

As per claim 8, Philyaw teaches transmitting identifier of the apparatus and the carrier identifier [col.7 lines 30-32 source address, product code].

As per claim 14, Philyaw teaches the data carrier being CD, DVD, etc. [col.15 lines 1-5].

As per claim 15, Philyaw teaches the address being URL of the information database [col.8 lines 15-16].

As per claim 16, Berry teaches the identifier comprises title identifier identifying a piece of music or video [col. 10 lines 16-26].

As per claim 21 and 22, Philyaw teaches the data carrier being CD, DVD, etc. [col.15 lines 1-5]. Hence, Philyaw teaches data carrier having identifier to be read and processed by the apparatus of claim 1.

As per claim 24, Philyaw teaches requesting a fee for the association [col. 12 lines 16-20].

As per claim 9, Philyaw teaches an apparatus [ARS] for storing address data [URL] to information databases [product information] further information stored on data carriers, the apparatus comprising:

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receiving means for receiving data identifier identifying a data carrier from an apparatus [col.7 lines 22-30];

transmitting means for transmitting a response message to the apparatus an address of an information database [col.6 lines 8-13].

As per claim 10, it is rejected under similar rationale as for claim 9 above. Philyaw teaches alternatively to provide the further information to the apparatus [col.8 lines 27-31].

As per claim 11, Philyaw teaches providing the address of the further information database [col.6 lines 7-12].

As per claim 12, Philyaw teaches the databases are server connected via the Internet [fig.3, col.4 lines 15-68].

As per claim 13, Philyaw teaches collecting information about the requests [col.12 lines 1-28].

As per claim 25, Philyaw teaches the content is dependent upon whether the apparatus is registered [col.12 lines 1-10].

As per claim 17, it is rejected under similar rationale as for claim 1 above.

As per claim 18, it is rejected under similar rationale as for claim 2 above.

As per claim 19, it is rejected under similar rationale as for claim 9 above.

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As per claim 20, it is rejected under similar rationale as for claim 10 above.

As per claim 23, it is apparent that an address on an information database is associated with one or more identifier (e.g. an advertiser or manufacturer with plural products).

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry and Philyaw further in view of Scherf et al. US patent 6,061,680.

As per claims 5, Berry does not specifically disclose reading block of audio information and data identifier identifying said block of audio information from the data carrier. However, Scherf teaches method for retrieving further information on an audio CD by identifying a block of audio [a CD track] and reading the audio block. [col.5-6]. It would have been obvious for one of ordinary skill in the art to combine Scherf teaching with Berry because it would have enable the system to identify and retrieve further information in synchronization with the playing of the audio tracks.

Conclusion

This Office action has an attached requirement for information under 37 CFR 1.105. A complete reply to this Office action must include a complete reply to the attached requirement for information. ~~The time period for reply to the attached~~

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requirement coincides with the time period for reply to this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 2100 Customer Service whose telephone number is (703) 306-5631.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 746-7239, (for formal communications intended for entry)
(703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).



Dung Dinh
Primary Examiner
March 17, 2003